United Nations A/HRC/26/24

General Assembly

Distr.: General
29 April 2014

Original: English

Human Rights Council
Twenty-sixth session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Report on activities undertaken to support efforts by States to promote and protect the rights of persons with disabilities in their national legislation, policies and programmes

Report of the Office of the High Commissioner for Human Rights

Summary

The present study focuses on the activities undertaken by the Office of the High Commissioner for Human Rights, the United Nations Partnership to Promote the Rights of Persons with Disabilities and other relevant United Nations agencies and regional organizations to support efforts by States to promote and protect the rights of persons with disabilities in their national legislation, policies and programmes, including to mainstream disability in development efforts, and suggests a way forward.

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I. Introduction

1. In its resolution 24/31, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report[1] on the activities undertaken by the Office, other relevant United Nations agencies and, where applicable, regional organizations, to support efforts by States to promote and protect the rights of persons with disabilities in their national legislation, policies and programmes, including to mainstream disability in development efforts.[2]

2. To this end, OHCHR invited contributions from all United Nations agencies and regional organizations, and received three responses: two from agencies,[3] namely the International Labour Organization (ILO) and the World Intellectual Property Organization (WIPO), and one from a regional organization, namely the Economic and Social Commission for Asia and the Pacific (ESCAP). OHCHR also consulted separately the technical secretariat of the United Nations Partnership to Promote the Rights of Persons with Disabilities, which is managed by the United Nations Development Programme (UNDP). The full texts of all submissions received are available on the OHCHR website.[4]

II. Technical cooperation on the rights of persons with disabilities

3. The Convention on the Rights of Persons with Disabilities was adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008. As of 30 March 2014, it had been ratified by 142 States and the European Union.[5] The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.[6]

4. Technical cooperation is embedded in the spirit and purpose of the Convention. The Convention, and in particular its article 32 – in which States parties recognize the importance of international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities –, serves as a platform for the United Nations to provide technical assistance on issues related to the Convention and its provisions.

5. Important steps to this end have been taken in the context of the post-2015 United Nations development agenda, guided by the High-Level Meeting of the General Assembly

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[1] The present report was prepared by OHCHR in direct consultation with the technical secretariat of the United Nations Partnership on the Rights of Persons with Disabilities and other United Nations agencies and regional organizations. The information compiled herein reflects the available information in the internal reporting system of OHCHR and the contributions from other United Nations agencies.

[2] Human Rights Council resolution 24/31, para. 15.

[3] The term "United Nations agencies" is used in this report as encompassing United Nations departments, programmes, funds and specialized agencies.

[4] www.ohchr.org/EN/Issues/Disability/Pages/DisabilityIndex.aspx.

[5] Updated information on ratification status is available from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en.

[6] Convention on the Rights of Persons with Disabilities, art. 1, para. 1.

on Disability and Development (23 September 2013). The Meeting's outcome document stresses the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development, with a view to enhancing cooperation and to providing relevant technical assistance to Member States upon their request, and underlines the need to achieve full application and implementation of the international normative framework on disability and development by encouraging the ratification and implementation of the Convention.

6. Technical cooperation is an integral component of the work of OHCHR. Through technical cooperation and advisory services, OHCHR helps in identifying and addressing knowledge and capacity gaps by facilitating constructive dialogue and positive change. Sound and efficient technical cooperation and capacity-building programmes need to be based on thorough understanding and analysis of a specific human rights situation and the multifaceted challenges related to it. This is achieved through independent and credible monitoring activities in cooperation with all relevant stakeholders – allowing OHCHR, in cooperation with relevant stakeholders, to establish needs, to put such needs at the centre of the Office's planning and to identify the most suitable strategies to achieve progress towards results.

7. The response by OHCHR to the requests for technical cooperation and advice, which is guided by the recommendations from treaty bodies and special procedures and from the universal periodic review, has seen a significant increase in recent years, including on the rights of persons with disabilities.

8. Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex, religion and discrimination against others who are marginalized, is one of the thematic priorities in the OHCHR Management Plan 2014-17. Within this framework, the Office works towards increased compliance of national legislation, policies, programmes and institutions with international human rights standards to combat discrimination.

9. Since the adoption of the Convention in 2006, OHCHR has gradually stepped up its work on the rights of persons with disabilities. As part of its technical cooperation and advisory services, the Office supports efforts to ensure ratification of the Convention and compliance of national legislation, policies, programmes and institutions with the Convention and other instruments relevant to the promotion and protection of the rights of persons with disabilities. The Office also seeks to ensure that persons with disabilities claim their rights by supporting efforts to facilitate their use of national protection systems and their participation in public processes. At the international level, OHCHR seeks to ensure that States uphold their human rights obligations by supporting their engagement with the Committee on the Rights of Persons with Disabilities and other relevant human rights mechanisms. Finally, OHCHR also seeks to ensure the integration of a human rights-based approach to disability in policies and programmes of the United Nations, including adequate attention and support to the promotion and protection of the rights of persons with disabilities.

10. In December 2011, six United Nations entities (the International Labour Organization (ILO), OHCHR, the United Nations Children's Fund (UNICEF), the United Nations Department of Economic and Social Affairs (DESA), UNDP and the World Health Organization (WHO)) launched the UN Partnership to Promote the Rights of Persons with Disabilities and the Multi-Donor Trust Fund, administered by the UNDP Multi-Partner Trust Fund Office.[7] The Partnership plays an important role in ensuring the effective use of

[7] See http://mptf.undp.org/factsheet/fund/RPD00.

international human rights mechanisms to promote the human rights of persons with disabilities. The aim of the Fund is to sponsor projects led by United Nations Country Teams to develop the capacities of national stakeholders, particularly governments and organizations of persons with disabilities, for the effective implementation of the Convention, including through promoting disability-inclusive internationally agreed development goals. A first call for proposals launched in May 2012 led to the identification of 11 joint United Nations programmes benefiting a total of 14 countries in multiple areas of Convention implementation. The projects are described below.

11. To ensure adequate coordination and appropriate attention to the promotion and protection of the rights of persons with disabilities, OHCHR has an Advisor on Human Rights and Disability, based in Geneva, in the Human Rights and Economic and Social Issues Section of the Research and Right to Development Division. The Advisor's mandate is broad and includes mainstreaming the rights of persons with disabilities in OHCHR and generally in the United Nations; providing technical assistance to States, National Human Rights Institutions and civil society organizations, and promoting ratification and implementation of the Convention and its Optional Protocol at the national level. His team currently consists of one additional person[8] and has a small amount of extra-budgetary funds to perform its activities. The team provides expert advice to OHCHR field presences and directly to States on demand. The limited availability of resources poses a challenge to advancing the agenda on the rights of persons with disabilities in a coordinated and sustained manner.

12. OHCHR serves as Secretariat of the Committee on the Rights of Persons with Disabilities. The role of the Secretariat, which comes under the Groups in Focus Section of the Human Rights Treaties Division, is to support the Committee in performing its tasks. This treaty body provides, in its concluding observations, substantial guidance to States Parties to the Convention on its implementation and the domestication of its provisions. These recommendations should be a primary source of consultation when providing technical cooperation and assistance, in particular when they refer to legal and policy harmonization. The Committee has, to date, held 11 sessions and reviewed the following 13 countries: Argentina, Australia, Austria, Azerbaijan, Costa Rica, El Salvador, Hungary, Paraguay, the Peoples' Republic of China, Peru, Spain, Sweden and Tunisia.[9] Regarding technical assistance, the Committee is encouraging countries to engage with its members to increase cooperation, in particular, on legal and policy reform and design under the Convention.

13. While not exhaustive, the following sections provide an overview of the type of activities in the area of technical cooperation and advisory services that are supported by OHCHR and/or by relevant international partners at the country and regional levels.

A. Africa

1. Office of the High Commissioner for Human Rights (OHCHR)

14. **Cameroon:** OHCHR has participated in activities aiming at raising awareness among persons with disabilities of their right to participate in political life on an equal basis with others. As a result of the advocacy efforts of OHCHR, an Election Management Body has made polling stations accessible for persons with disabilities during elections in October 2011.

[8] Junior Professional Officer provided by Finland. This position ends in November 2014.

[9] http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CRPD.

15. **Côte d'Ivoire**: The Human Rights Division of the United Nations Operation in Côte d'Ivoire has participated actively, through the provision of technical advice, in the Task Force for the ratification of the Convention established by the Confédération des organisations des personnes handicapées de Côte d'Ivoire (COPHCI), a coalition of non-governmental organizations (NGOs) and associations working for the protection and promotion of the rights of persons with disabilities, including efforts to support the Ministry of Justice, Human Rights and Public Liberties. As a result of these joint efforts, Côte d'Ivoire ratified the Convention on 10 January 2014. The Human Rights Division has also widely disseminated the Convention and provided training/briefing sessions for representatives of NGOs specializing in the rights of persons with disabilities, and will continue to support advocacy for the establishment of a coordination mechanism for monitoring the implementation of the Convention.

16. **Ethiopia**: OHCHR organized two disability equality training sessions in cooperation with ILO to support government officials and service providers on the human rights-based approach to disability and the Convention.

17. **Guinea-Bissau**: The Human Rights Section of the United Nations Integrated Peacebuilding Office in Guinea Bissau (UNIOGBIS) supported extensively the signing and ratification of the Convention, holding several meetings to explain the importance of acceding to the Convention and recognizing the treaty body monitoring mechanisms. As a result, the National Popular Assembly signed the Convention and its Optional Protocol in September 2013, with the intention of submitting the two instruments for ratification after general elections in April 2014.

18. **Liberia**: OHCHR supported the National Commission on Disabilities with developing a National Strategy for the Implementation of the Convention in the context of the Agenda for Transformation and the National Human Rights Action Plan, which as a result was validated in September 2013 and launched in December 2013. OHCHR is providing technical assistance through bi-monthly working sessions with members of a Human Rights and Disability Task Force on its roll-out and monitoring. OHCHR is also participating in the coordination of field offices of the United Nations Mission in Liberia to conduct capacity-building activities for government and civil society on evaluating, measuring and monitoring progress on the implementation of the Convention; advocacy and budget monitoring; and applying a human rights-based approach to United Nations programming and national development frameworks. This has contributed to the adoption of (i) human rights and (ii) persons with disabilities and disadvantages as two new cross-cutting themes in the country's second Poverty Reduction Strategy (2013-2017).

19. **Niger**: In order to ensure an improved understanding by the public of national, regional and international norms protecting the rights of persons with disabilities and promote further review, the collective of organizations defending human rights and democracy and the Niger Federation of Persons with Disabilities held awareness-raising activities in March 2013 on the rights of persons with disabilities. The activities were organized in partnership with the OHCHR Human Rights Advisor's unit in Niger and the Ministry of Justice, with funding by UNDP. Awareness-raising campaigns and conferences were organized on national and international legislation on the rights of persons with disabilities in six regions of the country.

20. **Senegal**: During 2013, the OHCHR West Africa Regional Office in partnership with Handicap International and other stakeholders provided technical advice and facilitated training sessions to authorities in relation to the Convention and its Optional Protocol.

21. **Sierra Leone**: The Human Rights Component of the United Nations Integrated Peacebuilding Mission in Sierra Leone (UNIPSIL), in collaboration with OHCHR, supported the Government in the process of drafting a persons with disabilities Act. The

Act constitutes an important step towards the elimination of discrimination against persons with disabilities and the facilitation of their participation and inclusion in society. It contains important provisions on promoting their enjoyment of human rights, particularly the rights to education, employment, health and political participation, and establishes clear responsibilities in eliminating barriers preventing equal access to the physical environment, transport, and services. The Human Rights Component of UNIPSIL also supported the Government in the process of establishing a National Commission for Persons with Disabilities in 2012 and provided support in operationalizing the Commission, including by assisting in the development of its three-year strategic plan and through training and workshops. It is also working on a legislative review given that disability is a prohibited ground of discrimination in the Constitution.[10]

22. **Southern Africa:** The OHCHR Regional Office for Southern Africa, with the support of headquarters, provided the Government, national human rights institutes and civil society organizations, including organizations of persons with disabilities, with the necessary information to conduct an informed and constructive discussion on the need for an African instrument to protect the rights of persons with disabilities to supplement the Convention. The Regional Office has also worked closely with the Secretariat of the African Decade on Persons with Disabilities to strengthen the capacity of organizations of persons with disabilities in the promotion and monitoring of the Convention. The advocacy efforts undertaken by the Regional Office in 2011 led to the ratification of the Convention and its Optional Protocol by Mozambique.

23. **Sudan**: The Human Rights Section of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) carried out intensive work on the Convention with a focus on children with disabilities. The aim of these efforts is to contribute to the creation of a safe, accessible and appropriate academic environment which promotes and protects the rights of children with disabilities. Three workshops were held, aimed at changing policy and practice at school level. They were designed for civil society advocates, union leaders, government officials and local disability advocacy groups, in order to impact State legislation and provide social services that will respect, protect and promote the rights of persons with disabilities.

24. **Uganda**: OHCHR has supported national authorities and civil society organizations in raising awareness on Convention domestication and initial reporting to the Committee. Since 2010, the Office has trained national authorities such as the Equal Opportunities Commission and the National Council for Disabilities, specialized departments in the Ministry of Gender, Labour and Social Development and civil society organizations on Convention protection standards. Further, the Office has supported the Ministry of Health and civil society in the review of the Mental Health Treatment Act by providing a human rights commentary to the Mental Health Bill and convening meetings to discuss elements of the proposed legislation. In 2014-15, with the support of Norwegian funding, OHCHR will continue providing technical assistance to the National Council for Disability on monitoring the implementation of the Convention. To this end, the Office is organizing training on combating discrimination under the Convention for selected district disability councils. In liaison with national authorities, the Office will also undertake a comparative analysis of Ugandan legislation to identify obstacles to realizing the rights of persons with disabilities.

[10] See UNIPSIL/OHCHR, "Moving Forward Together. From National Commitment to Concrete Action", Report on the Rights of Persons with Disabilities in Sierra Leone (2011).

2. United Nations Partnership to Promote the Rights of Persons with Disabilities

25. **Mozambique**: UNDP and UNICEF are employing a twin-track approach involving both targeted and mainstreaming interventions. The work undertaken with the National Institute of Statistics is an example of mainstreaming, whereby indicators on issues related to persons with disabilities will be incorporated in a quarterly national survey to improve data collection as a prerequisite for defining more accurate policies and programmes related to persons with disabilities. On the other hand, the collaboration between UNDP, Handicap International and the Rede de Assistência as Vitimas de Minas is a targeted intervention, which seeks to empower the often marginalized group of mine survivors to claim their rights. One of the activities of the project involves the review of the existing legislative and policy framework.

26. **South Africa**: OHCHR, UNDP and UNICEF are jointly involved with the United Nations Population Fund (UNFPA) and UN Women in a programme that was developed by the United Nations country team in collaboration with the Department of Women, Children and Persons with Disability. The programme aims at establishing a Convention compliant legal and policy framework in South Africa. While UNDP is the lead agency and responsible for the overall coordination and technical support of the programme, UNICEF provides technical expertise on issues related to children with disabilities and OHCHR focuses on international legislation and standards on the rights of persons with disabilities. UNFPA and UN Women will fund efforts to acquire technical expertise on the needs for women with disabilities.

27. **Togo**: The Partnership programme focuses on inclusive education in the Savanes and Kara regions. This joint UNICEF, WHO and OHCHR project started in early 2013. The main legal framework, namely the 2007 Child Code, the 2004 Law on the Social Protection of Persons with Disabilities, and other relevant instruments, such as the 2006 Labour Code and the 1968 Ordinance on the General Statute of Public Servants and strategic documents such as the Education Sector Plan, are being reviewed on their compliance with the international human rights instruments ratified by Togo. Under this programme, Braille and sign language manuals have been developed and tested together with a training manual on inclusive education endorsed by the Ministry of Education in 2012, used for the training of a large number of teachers and administrators. The programme expands on already successful efforts related to the provision of suitable educational opportunities to primary school-aged children with disabilities. This partnership with government and non-governmental organizations will strive to put in place a sustainable collaborative and efficient response to the challenge of providing education for all, including children with disabilities.

B. Asia-Pacific

1. OHCHR

28. **Cambodia**: OHCHR provided technical advice throughout the process of ratification of the Convention, inter alia through translating and publishing the Convention in Khmer and providing support for the drafting of a statement promoting ratification of the Convention, which was presented before Parliament. OHCHR further organized two training sessions for government representatives – on the main features of the Convention and another, more specifically, on reporting under the Convention, with the aim of increasing their awareness on the Government's responsibilities under the Convention.

29. **Papua New Guinea**: OHCHR continues to provide technical support to the Department of Community Development and other relevant government bodies on the implementation and domestication of the Convention.

30. **Timor-Leste:** The Human Rights Adviser's Unit is implementing a capacity development programme for civil society, including for the Timor-Leste Disability Association – a network of more than 20 NGOs working on disability – and its individual members, to increase their use of national and international systems to protect the rights of discriminated groups. The Unit intends to assist organizations of persons with disabilities to strengthen their monitoring, reporting and advocacy skills, and continues to support efforts towards the ratification of the Convention.

2. The Partnership

31. **Cook Islands, Fiji, Vanuatu and Papua New Guinea**: ILO, UNICEF, WHO, ESCAP and United Nations Volunteers are implementing a range of activities with the overall goal of improving the lives and opportunities of persons with disabilities in these selected Pacific Island Countries. The activities are targeted towards assisting with legislative drafting and policy development in countries that have ratified, or are about to ratify, the Convention. The project further promotes employment of persons with disabilities at both policy and programme level – including advocacy to support employers and targeted skills development. Additionally, a pilot project on early detection will provide a strong basis for efforts to be replicated throughout the Pacific. Finally, the lack of reliable data on disability prevalence in the Pacific is addressed through work on statistics, in particular through census and national survey processes. This will draw from global and regional expertise and strengthen ongoing efforts undertaken by the Pacific Statistics Steering Committee. In addition, research will be conducted to explore the barriers to the ratification of the Convention in countries in the region.

32. **Indonesia**: ILO and WHO, together with UNESCO and UNFPA, are implementing a project aimed at strengthening the capacity of the national institutions in charge of coordinating the implementation of the Convention. This initiative supported nationwide high-level policy dialogues with mayors and the creation of a Network of Inclusive Cities, which aims to facilitate the exchange of knowledge and resources on the inclusion of persons with disabilities. Memorandums of understanding have been signed with the governments of Banda Aceh City and Yogyakarta City, with the aim of reaching out to other cities at a later stage. The project has supported the drafting of a framework for identifying key criteria in the process of building inclusive cities for persons with disabilities. The framework has been tested and applied in four cities, resulting in the drafting of strategic plans and the allocation of funds to address the social inclusion of persons with disabilities. These efforts will provide the basis for a yearly appraisal of cities in Indonesia, which is expected eventually to include a disability inclusion award.

33. **Viet Nam** is actively considering ratification of the Convention and ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons) (1983), and is currently finalizing a national action plan to support persons with disabilities, with the final aim of developing a national legal framework in line with the Convention and other international standards. One of the main objectives of the Partnership funded project is to support the participation of organizations of persons with disabilities in these processes.

C. Americas

1. OHCHR

34. **Colombia**: The Office's efforts focus on Convention domestication and the involvement of authorities in adopting a national policy on persons with disabilities. To this effect, the Government has convened 15 regional meetings with relevant stakeholders and a national meeting, in December 2012. Additionally, with the support of OHCHR, the State

has adopted legislation that provides certain guarantees for the realization of the human rights of persons with disabilities.

35. **Guatemala**: Since 2013, OHCHR has been leading efforts to promote the understanding of the rights of persons with disabilities among government actors.

36. **Haiti**: With the support of OHCHR, the State Secretary on Integration of Disabled Persons has developed a workplan to implement a framework law on persons with disabilities. OHCHR provides technical assistance to the State Secretary on the Integration of Disabled Persons, focusing on (i) raising awareness on universal accessibility and (ii) the harmonization of the Labour Code with the framework law.

37. **Honduras**: OHCHR supported the approval of the National Policy on the Rights of Persons with Disabilities. The Office is also supporting the Ministry of Internal Affairs and Population in the drafting of a National Policy Strategic Plan by hiring a national expert and by directly advising the Directorate General for People for Disabilities, which is in charge of implementing public policies on the rights of persons with disabilities in compliance with international human rights standards.

38. **Mexico:** As a result of advocacy efforts towards the Senate undertaken by OHCHR, UNHCR and the International Organization for Migration, Mexico has withdrawn its two interpretive declarations regarding the Convention. The Office further promoted internal policy and/or legislative changes to remove obstacles hindering the withdrawal of reservations and interpretative declarations.

39. **Paraguay**: The engagement of the National Secretariat for the Human Rights of People with Disabilities (SENADIS) in the implementation of human rights standards and recommendations has increased through its commitment to design a human rights-based public policy on the rights of persons with disabilities and human rights indicators. With technical assistance provided by the OHCHR Human Rights Advisor, SENADIS initiated this process through the collection of baseline material on the situation of persons with disabilities. The material will be further used in a consultative process with government and civil society actors, aimed at designing the policy. The Human Rights Advisor has further supported the State in developing an inter-institutional mechanism to follow up on recommendations made by international human rights mechanisms, including the Committee. These efforts have included the organization of an inter-institutional thematic round table aimed at empowering persons with disabilities to claim their rights.

2. The Partnership

40. **Costa Rica**: ILO and UNDP are collaborating with the Ministry of Labour and social partners to promote the right to work of persons with disabilities. With support from this project, the Costa Rican National Business Association has established a Network of Inclusive Enterprises, which already has a membership of 37 businesses with a total workforce of more than 15,000 employees across Costa Rica. In collaboration with key public sector institutions and civil society organizations, the members of the Network are working to create job opportunities for persons with disabilities and will take steps to make their business processes more inclusive and accessible.

D. Middle East and Northern Africa

1. OHCHR

41. **Libya**: The Human Rights Component of the United Nations Support Mission in Libya has supported the Government with furthering its efforts to ratify the Convention. While the General National Congress has already passed the ratification of the Convention

with a general reservation, the ratification instrument has yet to be deposited. In the aftermath of the 2011 conflict, the General National Congress has also adopted new legislation addressing the rights of persons with disabilities.

42. **Iraq**: A consultation with representatives of persons with disabilities took place in order to discuss necessary amendments to the law on persons with disabilities to bring it in line with the Convention. Human rights officers have undertaken extensive work with the Government of Iraq in partnership with Iraqi organizations of persons with disabilities, civil society organizations and international partners, ensuring ratification of the Convention was part of a National Action Plan adopted by the Government in December 2011 with a view to implementing the recommendations of the universal periodic review conducted in February 2010. As a result of these efforts, Iraq ratified the Convention on 20 March 2013. The United Nations Assistance Mission for Iraq, the Human Rights Parliamentary Committee and the Iraqi Alliance for Disability Organizations have jointly proposed a series of legislative amendments to the Government, particularly in relation to the requirement for an independent mechanism to oversee and monitor its implementation, with a view to aligning Iraqi legislation with the Convention.

43. **Occupied Palestinian territories**: OHCHR has worked closely with the Government of the State of Palestine to produce the Guidance Document on Integrating Human Rights in Palestinian Development Plans, which outlines concrete targets and interventions to be integrated into the Palestinian National Development Plan, the overarching national development framework. This document identifies actions to ensure the rights of persons with disabilities, including the right to education, social security, and work. The Office will work closely with the Government, the NHRI, and NGOs and civil society organizations in monitoring implementation of the National Development Plan from a human rights-based viewpoint, including rights of persons with disabilities as an integral part of this monitoring. The first ever United Nations Development Assistance Framework (UNDAF) for Palestine was also finalized, and the Office played an active role in ensuring that the rights-based approach was central to United Nations development assistance plans. Planned United Nations programmes for persons with disabilities are featured in the Framework.

44. **Tunisia**: OHCHR is promoting the adoption of legislation and policies in compliance with international human rights standards in the area of employment for persons with disabilities. The Office is planning to provide technical assistance through a two-day seminar with members of parliament and five ministerial departments on State obligations regarding persons with disabilities, and five one-day study days with ministerial departments on mainstreaming the rights of persons with disabilities into policies.

2. The Partnership

45. **Occupied Palestinian territories**: ILO, UNDP, UNICEF, WHO, the Food and Agriculture Organization of the United Nations (FAO), UNESCO, UNFPA and WFP have joined their efforts in a programme aimed at raising awareness of the rights of persons with disabilities and developing capacities to mainstream disability in the education, health, employment, and social sectors. The goal of the programme is to enhance respect for the human rights of persons with disabilities through legislation, services, and social and economic empowerment in compliance with the Palestinian Disability Law and the Convention, through a close partnership between relevant ministries, United Nations agencies, international donors, organizations of persons with disabilities and other key stakeholders. On the basis of the above, the programme has three main expected outcomes: (a) review of legislation, policies and practices of six key ministries for their compliance with the Convention and the Palestinian Disability Law; (b) creation of equal opportunities for children with disabilities in selected pilot schools (selected by the Ministry of

Education); and (c) improved access to job creation programmes and business development schemes for women and men with disabilities. Special attention is given to ensuring the full participation of women and girls with disabilities in programme activities.

46. **Tunisia**: The Partnership programme's main objective is the inclusion of persons with disabilities from a human rights perspective, strengthening stakeholders' capacities in advocating, respecting and fulfilling the rights of persons with disabilities and developing a shared new national vision on disability. The programme has four thematic priorities: rights-based advocacy for persons with disabilities; survey, statistics and assessment of social protection mechanisms for persons with disabilities; school inclusion and protection of children with disabilities; and employment of youth with disabilities.

E. Europe and Central Asia

1. OHCHR

47. **Georgia**: In February 2013 OHCHR joined a working group on legislative changes for the development of a social integration strategy for persons with disabilities for 2013-2016. The ratification of the Convention by the Georgian parliament was a result of advocacy efforts undertaken by OHCHR, other United Nations agencies and civil society. The OHCHR Senior Human Rights Advisor supported the Speaker of the parliament and the Head of the Human Rights Committee of the parliament in the process of ratification.

48. **Kosovo**: OHCHR is working on reviewing legislation related to combating discrimination in line with international human rights standards, addressing the issue of discrimination against persons with disabilities when exercising their legal capacity.

49. **Former Yugoslav Republic of Macedonia**: OHCHR contributed to bringing the Convention higher up the national agenda and closer to the rights-holders. The Office promoted ratification of the Convention through bringing key government and disability-related actors together to develop a plan of action towards ratification, using 2009 universal periodic review recommendations and relevant OHCHR thematic studies as a substantive framework. These efforts contributed to the Macedonian ratification of the Convention on 29 December 2011. OHCHR has since continued to provide sustained strategic support for the implementation of the Convention, including through supporting the establishment of a national implementation mechanism in line with article 33 of the Convention, and training its staff, and for the participatory preparation of the State's initial report to the Committee.

50. **Moldova:** As a result of sustained work from 2009 to present, breakthroughs were achieved during the current biennium in laws, government regulations and specific official scenarios (such as segregated school districts) were brought substantially into compliance with relevant international law and standards in the field of non-/anti-discrimination. The creation of a comprehensive anti-discrimination law, for instance, was the result of OHCHR support for government and civil society. Further, the OHCHR Human Rights Adviser worked with government counterparts to develop the Law on the Social Inclusion of Persons with Disabilities, aimed at incorporating the Convention's provisions into domestic legislation. Adopted in 2012, the Law sets out, for the first time, rights to equal legal capacity and reasonable accommodation for persons with disabilities under Moldovan domestic law. Efforts have also focused on the development of school settings inclusive of Roma children and children with disabilities in strategically selected municipalities. OHCHR supported the Ministries of Health, Justice and Labour, Social Protection and Family to establish an inter-ministerial working group to review domestic legislation and policies under article 12 of the Convention, which requires States Parties to move from substituted decision-making to assisted decision-making systems. Activities were fostered to support regulatory and budget amendments to this end. OHCHR also supported, in

cooperation with UNDP and the national human rights institution, the Ministry of Health and other government entities in improving protection of the rights of persons with psychosocial disabilities held in mental institutions, resulting in an agreement to establish an independent institutional complaint review mechanism, namely an Ombudsperson in psychiatric institutions. A pilot Office of the Ombudsperson was created to cover three main psychiatric hospitals.

51. **The Regional office for Europe:** At the regional level, the Regional Office has engaged European Union institutions and member States in the region, particularly on the rights of persons with disabilities. The Regional Office has identified common ground between the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child – namely the issue of independent living for persons with disabilities (article 19 of the Convention on the Rights of Persons with Disabilities) and the issue of alternative care of children. Through its active membership in a coalition of NGO and inter-governmental organization stakeholders representing NGOs and inter-governmental organizations (the European Expert Group on Transition from Institutional to Community-based Care), the Regional Office has contributed significantly to policy changes at the level of the European Union, including policy documents guiding the use of European Union Structural Funds and the regulations for the Structural Funds. These Regulations represent a significant achievement in terms of increased compliance by the European Union with international human rights standards, including the Convention. The Regulations contain specific language on the promotion of transition to community-based services, and include an ex-ante conditionality that will serve as a basis to take measures for the shift from institutional to community-based care, and one to ensure implementation of article 9 of the Convention, in the context of European Structural Funds investments. As a member of the European Expert Group, the Regional Office supported these changes, and provided technical assistance, vis-à-vis relevant officials at European Union and national levels. The Regional Office, moreover, has taken an active role in organizing European Expert Group seminars, in close cooperation with national authorities and the European Commission, on the use of European Union Structural Funds to support the transition from institutional to community-based care. Such events took place in Latvia, Estonia, Hungary, Croatia, Romania, Bulgaria, Slovakia and Poland, and will be organized in the Czech Republic, Lithuania, Slovenia, Greece and Serbia in 2014. The European Regional Office 2012 publication on the implications of article 19 of the Convention for the use of European Union Structural Funds was actively disseminated and used as a tool in raising awareness among European Union officials and national authorities as well as civil society and rights holders. The Regional Office participated in a regional consultation in preparation for the High Level Meeting on Disability and Development, emphasizing the importance of using the Convention as the framework for all European Union input to the High Level Meeting. The final written contribution of the European Union to the High Level Meeting included language proposed by OHCHR and the Regional Office.

52. **The Russian Federation** ratified the Convention in 2012, upon which began a process of amending Russian legislation in accordance with Convention provisions. The establishment of a national implementation and monitoring mechanism as stipulated in the Convention is still under discussion by Russian stakeholders. OHCHR provides technical support and guidance in these processes. Through partnership with OHCHR, the Regional Organization of Persons with Disabilities, Perspektiva, and its partners were able to increase awareness amongst over 400 stakeholders – government officials, education professionals, legislators, organizations of persons with disabilities, civil society organizations and experts, journalists, students, people with disabilities and members of their families – about the Convention, in particular article 24, and current Russian legislation and policies which require amendments. Following advocacy efforts undertaken by OHCHR, a new federal law on education contains language on inclusive education and

equal access to education for all. The law requires regional and city-level administrations to create the necessary conditions for high-quality education without discrimination against persons with disabilities. Federal legislators are currently developing concrete implementation standards for inclusive education, including curricular and infrastructural modifications. Inclusive schools are envisaged in the framework of the "Accessible Environment" State programme. More than 5,000 accessible schools providing conditions for the education of children with disabilities had already been created by the end of 2013. The goal is to create 10,000 such schools by the beginning of 2016.

53. **Serbia**: The Protector of Citizen's Ombudsman's Office and the OHCHR Human Rights Advisor have been successful in influencing the discourse on deinstitutionalization in order for it to include a human rights perspective in line with the norms and standards of the Convention. In 2013, they held two sessions presenting a draft deinstitutionalization road map to local self-governments and representatives of residential institutions, and two high level expert round tables at which national policy in this domain was discussed. By the end of 2013, the draft road map was presented to all relevant stakeholders. The road map, prepared by a national expert group, is to be finalized, endorsed by the Ombudsman's office and officially proposed to the Government in 2014.

54. **Ukraine:** In 2012, Ukraine adopted anti-discrimination legislation improving compliance with the Convention, a requirement contained in recommendations of various United Nations human rights mechanisms. Throughout 2013, OHCHR worked on amendments to the law. An expert discussion focusing on implementing equality and non-discrimination legislation and policies was organized in Ukraine, and a training workshop was held on measuring progress on the implementation of equality and non-discrimination legislation. These activities involved representatives of the Ministries of Justice and Interior, the parliament, the judiciary, NGOs and the Ombudsman's office. Several draft amendments were drawn up, partly addressing the comments of OHCHR and international experts.

2. The Partnership

55. **Moldova**: OHCHR, UNDP, UNICEF and WHO are working closely to bring about catalytic change with regard to rights to equal legal capacities, access to justice, the right to live independently in the community, inclusive education; the strengthening of civil society; and improved monitoring of Convention implementation. As a result of this project, significant advances have been made in establishing justice oversight over previously closed institutions and there is much greater awareness, in Moldovan psychiatry, about Convention provisions. At the same time, policy dialogue has advanced significantly on issues such as legal capacity reform, adult deinstitutionalization and the formal establishment, under the State budget, of an Ombudsperson for Psychiatry. In addition, an NGO of users and survivors of psychiatry was established for the first time in 2013 as a direct result of the project.

56. **Ukraine**: In Ukraine, the rights of persons with disabilities are among the priority areas of a Partnership Framework between the United Nations and the Government (2012-2016). The Partnership-funded programme, developed by UNDP, UNICEF, ILO and WHO in cooperation with the Government and civil society organizations in Ukraine, aims to promote the application of accessibility and universal design standards as enablers of inclusion and participation of persons with disabilities. It focuses on existing barriers that prevent or limit equal access to services and facilities intended for the general public, including law and policy.

F. Technical cooperation undertaken by other United Nations agencies and regional organizations

1. Economic and Social Commission for Asia and the Pacific

57. The past two Asian and Pacific Decades of Disabled Persons (1993-2002 and 2003-2012) and the adoption of the Convention in 2006 acted as catalysts for a shift from a charity-based to a rights-based approach to disability in the Asia-Pacific region. In 2013, the region entered a new phase of promoting the full realization of the rights of persons with disabilities and disability-inclusive development with the adoption of the Ministerial Declaration on the Asian and Pacific Decade of Persons with Disabilities, 2013-2022, and the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific.[11] The Incheon Strategy is a pioneering policy framework derived from the experiences of the ESCAP region and provides the Asian and Pacific region with a set of regionally agreed disability-inclusive development goals.

58. The Working Group on the Asian and Pacific Decade of Persons with Disabilities, an ESCAP consultative and governing mechanism composed of representatives of 15 governments and 15 civil society organizations for, and of, persons with disabilities, met in Incheon, Republic of Korea, to review and adopt a draft road map for the implementation of the Incheon Strategy. ESCAP provided technical assistance in the launch of the Incheon Strategy in a number of countries and in building capacities to develop national strategies and action plans.

59. **Cambodia:** In May 2013, ESCAP provided technical input for the development of a National Disability Strategy by the Government of Cambodia, to align it with the principles of the Convention. Consequently, an Official Launching on Commitment of Implementation of the Convention and the Incheon Strategy and Continuation of National Disability Strategy Plan (2014-2018) took place in Phnom Penh.

60. The ESCAP-Sasakawa Award for Disability-Inclusive Business in Asia and the Pacific[12] has been developed as a good practice for promoting engagement of the private sector in a global effort to eradicate poverty for all, including persons with disabilities. This award is based on a disability-inclusive business model, which views persons with disabilities as an untapped workforce with a range of skills and a market possessing significant purchasing power.

61. In preparing for the Asian and Pacific Conference on Gender Equality and Women's Empowerment: Beijing +20 Review, to be held in Bangkok in November 2014, ESCAP mainstreamed disability concerns into the pre-Conference survey for its member States. This is seen as an opportunity to initiate efforts towards mainstreaming disability in the global process of Beijing+20 and the outcome documents that will result from the process.

62. ESCAP developed a project document in 2013 to support its member States' strengthening of national capacity for better planning of disability-inclusive access and to promote the harmonization of domestic legislation concerning the physical environment, public transport, and information and communication with the Convention, and its implementation. The project, with funding from the Government of China and supported by Hong Kong and Macao, will be implemented in multiple phases starting from 2014.

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[11] The full text of the Incheon Strategy is available online from: www.unescap.org/publications/detail.asp?id=1523.

[12] See www.di-business-award.com.

63. Disability prevalence in Asia and the Pacific is estimated at 4.6 per cent, which is significantly lower than the global estimate of 15 per cent.[13] With a view to addressing this discrepancy, ESCAP is undertaking efforts to gather baseline data to track progress towards achieving the Incheon Strategy. In 2013, ESCAP organized an Expert Group meeting on effective data generation for the Incheon Strategy Indicators. The meeting – attended by experts from national statistical offices and disability focal agencies of 19 countries/territories in the region – identified progress, gaps and capacity-development needs with regard to data collection, and reviewed the draft guidebook on data generation for the Incheon Strategy Indicators, prepared by the ESCAP secretariat. ESCAP will publish a guide on generating data for the Indicators aimed at providing guidance on how to construct and use the Indicators to monitor progress in the implementation of the Strategy, assist its member States to review their existing national statistical systems and develop action plans to collect data for the Incheon Strategy Indicators.

2. International Labour Organization

64. Since 2002, the International Labour Organization (ILO) has provided technical cooperation under a programme funded by the Government of Ireland. Support has been provided in several countries for the review of existing disability specific and general employment legislation from a disability perspective; support for consultations with key stakeholders about the proposed new laws and policies; and technical commentary and support to the dissemination of information about newly adopted laws, where appropriate. Such support has been provided in Botswana, China, Ethiopia, Kenya, Mongolia, , Thailand, Viet Nam, Uganda, the United Republic of Tanzania and Zambia. More recently, in some countries the focus has shifted to supporting implementation of legislation.

65. In the context of these technical cooperation efforts, guidelines on achieving equal employment opportunities for people with disabilities through legislation were developed in 2007 and have been widely distributed in 15 languages. An updated edition is in preparation, for publication in 2014. In addition, a curriculum on disability-related legislation has been developed, with a pilot tested in collaboration with universities in several countries of Asia and Africa, and support provided in introducing disability legislation as a topic in the curricula of law faculties of selected universities, so that future generations of lawyers and judges will be familiarized with disability issues in law.[14]

66. As part of the ILO Disability Inclusion strategy, a pilot project was tested from 2010 to 2012 and is now being rolled out. A range of measures have been undertaken to promote the inclusion of persons with disabilities in ILO technical cooperation projects and in the work of ILO more generally. Inter alia, a checklist of considerations to be borne in mind in including persons with disabilities in technical cooperation projects is available on the ILO technical cooperation website and a "How To" guide providing more detailed guidance is currently under preparation. Practical guides to the inclusion of disability rights considerations in different technical areas have been prepared and made available to ILO staff, along with a knowledge-sharing platform on topics relating to equal opportunities for persons with disabilities. Many ILO manuals in widespread use in technical cooperation projects have been revised to include consideration of the inclusion of persons with disabilities. Advice is provided by ILO disability specialists regarding the inclusion of persons with disabilities in a number of technical cooperation projects. Sensitization of technical cooperation staff and partners to disability rights issues through disability equality

[13] World Health Organization and the World Bank, World Report on Disability (2011).

[14] This curriculum is available in an Education and Training Resource Guide in hard copy, electronically (www.ilo.org/skills/Whatsnew/WCMS_162169/lang--en/index.htm) and in an interactive version (http://disability-employment-legislation.itcilo.org/index.html).

training is increasingly becoming a feature of ILO work to promote consideration of the human rights of persons with disabilities in technical cooperation projects and in the general work of ILO.

67. In addition to support provided to countries in the development of labour legislation, ILO advises constituents on laws relating to the training, employment and social protection of persons with disabilities as part of ongoing work with constituents, including a focus on implementation and enforcement. Capacity-building on disability-related laws, policies, programmes and services is provided in collaboration with the ILO International Training Centre, Turin, Italy.

3. World Intellectual Property Organization

68. The World Intellectual Property Organization (WIPO) has recently started a process of working with Member States at the national level in order to develop the legislative and regulatory framework necessary to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired,[15] or Otherwise Print Disabled (Marrakesh VIP Treaty), which was adopted by the Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities in Marrakesh, on 27 June 2013. The Marrakesh VIP Treaty is the latest addition to the body of international copyright treaties administered by WIPO. It has a clear human rights and social development dimension and its main goal is to create a set of mandatory limitations and exceptions for the benefit of persons with disabilities. The Treaty's development was motivated in part by the adoption of the Convention, which provides, inter alia, that laws protecting intellectual property must not pose a discriminatory or unreasonable barrier limiting access to cultural materials.[16]

III. Conclusions and recommendations

69. The role of United Nations agencies and regional organizations is crucial in promoting and protecting the rights of persons with disabilities. Using the Convention to its full potential – that is, as a human rights instrument with elements crucial to sustainable development –, United Nations agencies and regional organizations can contribute to legal and policy reform under the specific expertise of their mandates. States are therefore encouraged to strengthen the capacities of the United Nations system, including those of OHCHR, to respond positively to the increasing demands from stakeholders for technical assistance and advisory services at the country level for the ratification of the Convention and its Optional Protocol and for the effective implementation of its provisions.

70. Due to the multifaceted implications of the issues related to the promotion and protection of the rights of persons with disabilities, including the improvement of their living conditions, States and other stakeholders should increase engagement with the United Nations to ensure compliance with international human rights standards in the development of national legislation, policies and programmes. Such engagement should take place through close consultation with, and the active involvement of, persons with disabilities, in full compliance with article 4(3) of the Convention.

71. The United Nations Partnership to Promote the Rights of Persons with Disabilities has proven to be an effective mechanism for increasing technical

[15] www.wipo.int/treaties/en/text.jsp?file_id=301016 (link visited March 4, 2014).

[16] Convention on the Rights of Persons with Disabilities, art. 30.

cooperation in line with the Convention. The ongoing national projects are providing good practices and innovative solutions on legal and policy reform and beyond in the realization of the rights of persons with disabilities. States should consider contributions to the Partnership Multi Donor Trust Fund as a means to facilitate and promote this engagement.

72. **The ongoing shaping of sustainable development goals beyond 2015 constitutes a critical opportunity to develop goals, targets and indicators that address inequalities and that are firmly based in the international human rights framework. In the spirit of building a post-2015 development agenda which ensures accessibility for and inclusion of persons with disabilities and a full realization of their human rights, there is a need to move swiftly towards universal ratification and effective implementation of the Convention and its Optional Protocol. To this end, States should support the involvement of United Nations agencies in capacity-building efforts for duty-bearers and other stakeholders including the business sector, aimed at supporting ratification processes and at implementing legislation and policies on the rights of persons with disabilities in compliance with the Convention.**

73. **Appropriate attention should be given to monitoring the implementation of the Convention at the national and international levels in compliance with the Convention's provisions thereon. The jurisprudence developed by the Committee through its dialogue with States parties provides valuable guidance for technical assistance, and should be used to its full potential. States are further encouraged to request technical assistance on legal and policy reform and design from the Committee, pursuant to article 37 of the Convention. All stakeholders are called upon to support and cooperate with the newly appointed Secretary General Special Envoy on disability and accessibility and any other special procedures mandate or mechanism created to monitor the rights of persons with disabilities.**